

Serial No.: 10/071,380
Group Art Unit: 1615



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Remarks

This Paper is responsive to the Office Communication mailed June 10, 2003 (Paper No.

7). Entry of this Paper and reconsideration of the subject application in view thereof are respectfully requested.

Assuming entry of the amendments set forth in this Paper, the status of the claims is as follows:

Amended:	
Cancelled:	
New:	
Pending:	1-16
Withdrawn	17-44

Election Requirement

The Examiner imposed an election requirement, as follows:

If Applicants elect the composition of Group I, Applicants are further required to elect from Species 1: an active agent ...:

- a) elect one of the active agents disclosed in claims 5-9, and 13

* * *

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentable distinct, applicant should submit evidence or identify such evidence now of record showing the species to be

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obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examiner even though the requirement be traversed (37 CFR 1.143).

Applicant hereby elects Famotadine and notes that claims 1-5, 10-16 read on the elected species.

FEE DEFICIENCY

☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 04-0480.

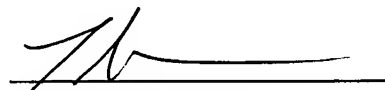
and/or

☒ If any additional fee is required for consideration of this paper, please charge Account No. 04-0480.

Closing Remarks

Entry of this Paper and allowance of the pending claims are respectfully requested.

Respectfully submitted,



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